

By Bureau of Justice Assistance

Local Law Enforcement Block Grants Program

Guidance Manual

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Section 1 Introduction

The Local Law Enforcement Block Grants (LLEBG) Program Guidance Manual is designed to be the primary reference guide for State and local LLEBG Program managers on programmatic and financial questions relating to the LLEBG Program.

It briefly describes the offices within the U.S. Department of Justice charged with administrating the program, provides an overview of the legislation which created the LLEBG Program, and reviews the major requirements of the LLEBG Program.

Sections 2 through 6 address the following topics:

- Section 2 Overview of the Office of Justice Programs, the Bureau of Justice Assistance, and the Local Law Enforcement Block Grants Division discusses the structure of the U.S. Department of Justice's primary grantmaking agencies.
- Section 3 Overview of the Local Law Enforcement Block Grants Program explains the LLEBG Program's legislative origin and purpose areas in detail. Topics include a discussion of the program's seven purpose areas, prohibited uses of funds, eligibility requirements, allocation of funds, and the definition of a unit of local government.
- **Section 4 Application Process** provides a brief summary of the fiscal year 1996 application process. The section discusses cash match requirements; provides an example of how to compute required match; lists allowable sources of funds; outlines Civil Rights, Immigration and Naturalization Service, and audit requirements; and identifies various grant certification requirements.
- **Section 5 Award Process** reviews the Trust Fund, Advisory Board, and Public Hearing requirements; addresses the Disparate Allocation provision; and outlines the additional materials included in the award package.
- Section 6 Role of the State Administrative Agency and Requirements of State and Local Grant Recipients details the role of the State Administrative Agency and reviews key program administration requirements for recipients of LLEBG awards.

Note: If additional fiscal information is desired beyond that provided by this guide, the OJP Financial Guide (mailed to all grantees along with the award package) should be used as the primary reference for financial management issues. If you still have questions concerning financial issues, you may contact the Office of the Comptroller at (202) 307–0623, and ask for the name and phone number of the financial analyst responsible for your State.

Section 2 Overview of the Office of Justice Programs, the Bureau of Justice Assistance, and the Local Law

Enforcement Block Grants Program Division

This section provides an overview of the organizational structure and mission of the Bureau of Justice Assistance (BJA), the agency charged by Congress with administrating the Local Law Enforcement Block Grants (LLEBG) Program. As BJA is one of five bureaus operating under the Office of Justice Programs (OJP), an overview of OJP is included to further orient State and local program managers.

2.1 Office of Justice Programs

The Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Justice Assistance Act of 1984, established OJP, which coordinates the activities of five program components: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. OJP's organizational structure also includes three new Crime Act program offices: the Corrections Program Office, the Drug Courts Program Office, and the Violence Against Women Grants Office. These offices are responsible for administrating funds stemming from the passage of the 1994 Violent Crime and Control Act. In addition, the Executive Office for Weed and Seed is now located within OJP. (See Appendix A for an OJP organization chart.)

The mission of OJP is to identify emerging criminal justice issues, develop and test promising approaches to address those issues, evaluate program results, and disseminate findings and other information to units of State and local government. OJP is led by an Assistant Attorney General, who by statute and delegated authority from the U.S. Attorney General coordinates policy, establishes priorities, focuses on national priorities, directs the general management of OJP efforts on national priorities, and directs the general management of OJP'S five component bureaus and four program offices. OJP contains six administrative support offices, including the Office of the Comptroller, the Office of General Council, the Office of Congressional and Public Affairs, the Office for Civil Rights, the Office of Budget and Management Services, and the Office of Personnel.

2.2 Bureau of Justice Assistance

BJA is led by a Director, a presidential appointee. Reporting to the Director is an Administrative Office, a Planning and Policy Division, and four Program Divisions: the *Special Programs Division*, which administers direct assistance programs such as the Public Safety Officers' Benefits Program; the *Discretionary Grants Program Division*, which

administers the discretionary funds of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program; the *State and Local Assistance Division*, which administers the formula funds of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program; and the newly created *Local Law Enforcement Block Grants Division*, which administers the new block grant program. (See Appendix B for a BJA organization chart.)

The mission of BJA is to provide leadership and assistance in support of local criminal justice strategies to achieve safe communities. The Director of BJA provides national direction and leadership to encourage improvement in the functioning of the criminal justice system. The Office of the Director plans, directs, and controls the management and operation of the Bureau; provides analysis and advice on law enforcement and criminal justice policy issues to the Assistant Attorney General, Office of Justice Programs; approves, denies, and awards grants and contracts; and administers, monitors, extends, and terminates grants within the program areas of delegated and legislative responsibility.

2.3 Local Law Enforcement Block Grants Division

The most recent addition to BJA's organizational structure, the LLEBG Division was created in May 1996 to manage the newly enacted block grants program. Division staff work with State and local LLEBG Program managers to administer program funds within the seven legislatively mandated purpose areas.

In addition to the day-to-day program assistance available to grant recipients, LLEBG Division staff are currently developing a long-term technical assistance plan. It is BJA's intent to provide assistance to State and local grant recipients in the areas of program development, grant-related fiscal management, and the utilization of grant management information systems. The Division will strive to work with State Administrative Agencies (SAA's) and direct grantees to provide the necessary information to facilitate systemwide planning and support ongoing criminal justice efforts.

The LLEBG Division is headed by a division director responsible for policy development and program coordination between BJA and other OJP component offices. The Division has both grants administration and grant information processing system responsibilities. Under this structure, the grants administration branch chief and coordinators in the evaluation/technical assistance and information system areas report directly to the division director. The grants administration branch is divided into four geographic regions utilizing the same structure as BJA's State and Local Assistance Division, who administers the Byrne Formula Grant Program. Each region has a team leader and a staff of program specialists who have day-to-day responsibility for working with grantees. The Division also has responsibility for the administration of all Police Hiring Supplement (PHS) grants awarded by BJA.

An organization chart detailing the new LLEBG Division within BJA was included in each award package mailed out by BJA. The primary point of contact for SAA staff is the team

leader designated for their region. Direct award recipients should contact the program specialist representing their State for assistance. Program specialists have as their primary responsibility all direct recipients within their assigned States. (See Appendix C for the LLEBG Division staff chart.)

Section 3 Overview of the Local Law Enforcement Block Grants Program

3.1 Legislative Origin

The Local Law Enforcement Block Grants (LLEBG) Program originated in the HR 728 Local Government Law Enforcement Block Grant Act of 1995, as passed by the House of Representatives. The Omnibus Fiscal Year 1996 Appropriations Act (Public Law 104-134) authorizes the Director of the Bureau of Justice Assistance (BJA) to make funds available to units of general purpose local government under the LLEBG Program for the purposes of reducing crime and improving public safety. BJA has been authorized to administer this program. (See Appendix D for copies of the Omnibus Fiscal Year 1996 Appropriations Act and HR 728.)

3.2 Fiscal Year 1996 and 1997 Appropriations

The Fiscal Year 1996 Appropriation for the LLEBG Program was \$503 million. After deductions for legislatively mandated earmarks and program administration costs, the balance available for distribution to eligible jurisdictions was \$424 million. This amount was available to approximately 3200 eligible jurisdictions in 54 States and territories.

The Fiscal Year 1997 Appropriation for the LLEBG Program is \$523 million. After deductions for legislatively mandated earmarks and program administration costs, the balance available for distribution to eligible jurisdictions is slightly over \$467 million. This amount will be available to eligible jurisdictions in mid-1997.

3.3 Program Purpose Areas

The purpose of the LLEBG Program is to provide units of general purpose local government with funds to underwrite projects to reduce crime and improve public safety. By law, these projects must be funded in accordance with the seven purpose areas described below. The legislation requires each direct award recipient to establish an advisory board and hold at least one public hearing prior to the expenditure of program funds. (These requirements are addressed in detail in Section 5.) Local program direction should be determined within the context of these two required processes.

Purpose Area 1

Supporting the hiring, training, and employing of additional law enforcement officers and necessary support personnel on a continuing basis.

For the purposes of this program, a law enforcement officer is defined as any individual involved in crime and juvenile delinquency control or reduction or

criminal law enforcement, including but not limited to police, corrections, probation, parole, and judicial officers.

If funds are used to hire law enforcement officers, there must be a net gain over the police department's current appropriated ceiling (defined as the ceiling at the start of the program period, October 1, 1996) in the number of law enforcement officers who perform nonadministrative public safety service. Continuing the funding of previously hired grant positions would not provide for the required net gain. BJA's expectation is that units of general purpose local governments will continue funding personnel hired under this program after the Federal grant period ends.

The grantee is asked to keep in mind the focus of each new employee's position. The activities undertaken by new staff will determine the purpose area in which to place the expenditure of funds. For example, Purpose Area 1 would be appropriate for a jurisdiction hiring a dispatcher because it is intended for positions dealing with basic law enforcement functions. However, if the grantee chooses to add an attorney to prosecute additional cases involving violent offenders, Purpose Area 4 would be most appropriate.

Further, the grantee should note that training as listed in Purpose Area 1 should cover training of new employees to perform basic law enforcement functions. Purpose Area 1 is *not* intended to include in-service requirements. If equipment is purchased under Purpose Area 1, the training costs incurred to allow personnel to operate the equipment should be included there as well. However, if the grantee incurs training costs in the establishment of a crime prevention program, Purpose Area 6 would be the appropriate program area in which to place these expenditures. Any jurisdiction wishing to hire law enforcement or support personnel under the LLEBG Program must give suitable preference to veterans in the employment process. See the discussion under Veterans Preference Requirement in Section 6.4 and the Special Condition on this requirement attached to the Award Document for more details.

 Paying overtime to presently employed law enforcement officers and necessary support personnel to increase the number of hours worked by such personnel.

The grantee is reminded to assess which programmatic activity the use of overtime is intended to support. If it is to provide additional regular patrols or other basic law enforcement functions, Purpose Area 1 should be selected. However, if the overtime will support activities such as school-related security, a more accurate area in which to list that expenditure is Purpose Area 2.

 Procuring equipment, technology, and other material directly related to basic law enforcement functions. Equipment and technology purchased under this purpose area must be utilized in support of basic law enforcement functions. Allowable types of equipment could include service revolvers, protective vests, lap-top computers, and other basic equipment. The purchase of technology to support basic law enforcement, such as that used to enhance a 911 system or to institute a jurisdictionwide criminal record information system, is also acceptable. If grant recipients choose to utilize program funds for the implementation of a criminal intelligence system, these systems must comply with 28 C.F.R., Part 23 (Criminal Intelligence Systems Operating Policies).

Grantees are reminded to consider State standards and requirements when planning to purchase new equipment or technology. Many States have mandated requirements relating to law enforcement management information systems and other criminal justice software and hardware needs. BJA strongly urges each grantee to contact the State Administrative Agency (SAA) prior to the expenditure of funds in this area (see Appendix E for an SAA contact list) to determine if relevant mandated specifications exist. This will ensure that State efforts to modernize and standardize criminal justice technology will be coordinated under the LLEBG Program.

LLEBG funds may be used by law enforcement to purchase weapons. Recipients of BJA direct awards and State subrecipients may purchase weapons that will be used in conjunction with basic law enforcement activities (for example, when a small, rural jurisdiction purchases a standard side arm for one of its officers).

The LLEBG *Technical Assistance Resource Guide*, which will be available early in 1997, contains information and a point of contact for two Department of Defense (DOD) equipment programs. BJA strongly urges that these programs be considered *before* grant funds are expended on new equipment to determine if equipment needs might be met through either process. The first program, the Excess Personal Property Program (also called the 1208 Program), makes excess DOD items available at no cost to State and local law enforcement agencies. The second program, the Law Enforcement Equipment Purchasing Program (also called the 1122 Program), makes new equipment from both the General Services Administration (GSA) and DOD vendors available for purchase by law enforcement agencies. The program allows State and local law enforcement to purchase items from GSA and DOD schedules. Grantees should consult the Technical Assistance Resource Guide for more details.

Purpose Area 2

Enhancing security measures in and around schools and in and around any other facility or location that is considered to have special risk for incidents of crime.

Funds under this program area cannot be used for new construction. However, costs incurred in the renovation of facilities are allowed when specifically approved by BJA and the Office of the Comptroller. Costs incurred as an incidental and necessary part of a program which do not constitute capital expenditures are allowable but may not exceed 10 percent of the total Federal funds utilized in a given purpose area. Prior approval of the use of funds for renovation activities is required.

For more information on this requirement, see the Office of Comptroller Financial Guide, Chapter 7, page 61 (Rearrangements and Alterations), and Chapter 10, pages 79–80 (Construction Requirements - Qualifications).

Purpose Area 3

Establishing or supporting drug courts.

To be eligible for funding, a drug court program must include, at a minimum, continuing judicial supervision over offenders with substance abuse problems who are not violent offenders, and the integrated administration of other sanctions and services including: (1) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant, (2) substance abuse treatment for each participant, (3) probation or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirement or failure to show satisfactory progress, and (4) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, and job and housing placement.

Substance abuse treatment is allowed only as a component of a drug court program. Furthermore, the hiring of drug court support personnel is allowed only if they enhance the adjudication process of cases processed in drug court.

Purpose Area 4

■ Enhancing the adjudication process of cases involving violent offenders, including the adjudication of cases involving violent juvenile offenders.

For the purposes of the LLEBG Program, a violent offender is defined as a person charged with committing a Part I violent crime under the Uniform Crime Reports (UCR). Part I violent crimes include murder, rape, robbery, and aggravated assault. Enhancing the adjudication process includes a range of activities, including enhancing sanctions, increasing the space available to house violent offenders

awaiting trial, and hiring additional attorneys to prosecute violent cases. The hiring of court support personnel involved in the adjudication process is allowed if they enhance the adjudication process of cases involving violent offenders or violent juvenile offenders.

Purpose Area 5

Establishing a multijurisdictional task force to prevent and control crime, particularly in rural areas, composed of law enforcement officials representing units of general purpose local government and Federal law enforcement officials.

The participation of both Federal and local law enforcement agencies is required for funding under this purpose area. However, this requirement is not meant to exclude the active participation of State law enforcement officials. BJA encourages law enforcement agencies from all levels of government to work together in operational partnership.

Task force activities may result in the generation of program income. *Program income is defined as all income generated as a direct result of an agency funded project.* Examples of activities that produce program income include the sale of property, royalties, attorney's fees and costs, registration/tuition fees, and asset seizures and forfeitures. Program income must be used in accordance with the seven specified purpose areas and under the conditions applicable to the award of LLEBG funds. Program income dollars retain the character of Federal funds and must not be used for unallowable program costs. In short, LLEBG grant funds and program income are subject to the same fiscal guidelines and restraints. Finally, the grantee is reminded that the Federal award amount, local match amount, interest income, and program income *must* be spent within the 24-month grant period. For more information on the policies applicable to program income, see Chapter 4 of the Financial Guide.

Activities funded under this purpose area may also include the use of grant monies as confidential funds. *Confidential funds are monies allocated to the purchase of services, evidence, and specific information.* The use of grant monies as confidential funds is subject to prior approval by BJA and the Office of the Comptroller. For more information on the requirements of the use confidential funds, see Chapter 8 of the Financial Guide.

Purpose Area 6

 Establishing crime prevention programs involving cooperation between community residents and law enforcement personnel to control, detect, or investigate crime or to prosecute criminals. Programs funded under this purpose area must meet two key criteria. First, the activities funded must include the active involvement of law enforcement personnel. Second, program activities must have as their goal the control, detection, or investigation of crime or the prosecution of criminals. An example of an activity that would meet these requirements is a school-based program in which law enforcement professionals are participants or instructors. Another example is a community-based partnership between law enforcement and citizens focused on issues of mutual concern. For instance, law enforcement officers and senior citizens might work together to combat elder abuse and scams targeted at seniors.

Purpose Area 7

Paying for costs of indemnification insurance for law enforcement officers.

Indemnification insurance for law enforcement officers covers damages from willful acts of officers in lawfully carrying out their duties. Criminal liability is not covered. Because law enforcement officers acquire their unique authority from the governmental entity by which they are sworn, only that entity may purchase indemnification insurance. Individual law enforcement indemnity insurance policies do not exist.

Thus, BJA interprets the language of the legislation, "indemnification insurance for law enforcement officers," to mean indemnification insurance policies that can be purchased by government entities to cover the lawful acts of law enforcement personnel in the discharge of their official duties. Indemnification insurance policy refers to a policy issued by a licensed insurance carrier and does not include funds appropriated by a self-insured jurisdiction to cover potential liabilities or to pay individual judgements.

As with all other LLEBG purpose areas, funds can not be used to supplant locally appropriated funds currently used for this purpose. In other words, BJA funds should not be used to take the place of existing local funds set aside for any of the seven purpose areas. For additional information on the nonsupplanting requirement, see Section 6.7.

3.4 Prohibited Uses of Program Funds

Except for those items strictly prohibited under the LLEBG Program, equipment may be purchased as long as the items are directly related to basic law enforcement functions.

Funds may not be used under this program to purchase, lease, rent or otherwise acquire the following items or services:

- Tanks or armored personnel carriers
- Fixed-wing aircraft
- Limousines
- Real estate
- Yachts
- Consultants
- Vehicles not primarily used for law enforcement

As noted earlier, *funds cannot be used for new construction*. However, costs incurred in the renovation of facilities are allowed when specifically approved by BJA and the Office of the Comptroller. Costs incurred as an incidental and necessary part of activities under an LLEBG purpose area that do not constitute capital expenditures are allowed but may not exceed 10 percent of the total Federal funds utilized in a given purpose area. Prior approval of the use of funds for renovation activities is required. For more information, see the Office of Comptroller's Financial Guide, Chapter 7, page 61 (Rearrangements and Alterations), and Chapter 10, pages 79–80 (Construction Requirements - Qualifications).

Expenditures for helicopters or helicopter parts are also acceptable as long as the purchases support basic law enforcement functions. Expenditures on gun buy-back programs are also acceptable. Grantees are reminded that local programming decisions determined within the context of the mandatory public hearing and advisory review process must fit under one of the program's seven purpose areas.

Recipients may use monies to retain the services of a contractor *agency* (defined under this program as private, nonprofit entities or community-based organizations). However, *individual* consultants are specifically prohibited.

Under the statute, grant recipients may appeal to the Attorney General to certify, at his or her discretion, that extraordinary and exigent circumstances exist and the use of LLEBG Program funds are essential to the maintenance of public safety and good order. If so certified, a recipient would be allowed to use grant funds for the prohibited items listed above. However, it is not anticipated that any exceptions in the area of prohibited activities will be made in Fiscal Year 1996. Grantees should note that the Prohibited Uses of Program Funds section is the only area of the LLEBG Program in which a potential wavier of program regulations exists.

3.5 Eligibility Requirements

Local eligibility—General purpose units of local government are eligible to apply for an award. For the purposes of this program, units of local government have been defined as counties, towns and townships, villages, cities, and the U.S. Territory of Puerto Rico (defined in the statute as both a local and a State unit of government). Indian tribes and Alaskan Native villages that carry out substantial governmental duties and powers are also eligible.

Grantees should keep in mind that under this program the primary recipient of an award is the unit of local government, not law enforcement agencies such as police or sheriff departments. Although these organizations may ultimately be the implementing agency(ies), the grantee is the general purpose unit of local government.

State eligibility—The State Administrative Agency (SAA) designated by the Governor to administer the State's portion of LLEBG funds has the option of distributing funds among State police departments that provide law enforcement services to units of general purpose local government and/or to units of general purpose local government whose allotment is less than \$10,000. The mechanism used in each State is at the Governor's discretion. If the SAA chooses to make local awards, the subrecipients must be general purpose units of local government. As is the case with BJA's direct award process, under the State subaward process the primary recipient of an award is the local unit of government, not law enforcement agencies such as police departments or sheriffs' offices, or other criminal justice system components. Although these organizations may ultimately be the implementing agency(ies), the grantee under this program is the general purpose unit of local government. SAA's should note that recipients of BJA direct awards are precluded from receiving subrecipient awards from the State—in other words, local units of government cannot receive both a Federal and a State subrecipient award under this program.

3.6 Allocation of Funds

The Director of BJA has set aside funds under the LLEBG Program for direct awards to units of local government within a State. The amounts are proportionate to the State's average annual number of Part I violent crimes (murder, rape, robbery, and aggravated assault) compared with the national average for the three most recent available calendar years of FBI data. Based upon statutory requirements, each State received a minimum award of .25 percent of the total amount available for formula distribution under the LLEBG Program. (See Appendix F for the Uniform Crime Reports 1994 Summary and Part I Definition List).

Awards to units of general purpose local government are proportionate to each local jurisdiction's average annual number of Part I violent crimes compared with all other local jurisdictions within a State for the three most recent calendar years.

BJA worked with the Bureau of Justice Statistics (BJS) and the FBI to identify each State's average annual Part I violent crime level over the three most recent years for which data was available. In each State this threshold figure was used as the benchmark to compare each

local jurisdiction's reported Part I violent crime to see if the county, city, town, or township's three-year average exceeded the threshold amount. Those localities exceeding the threshold figure received a direct award from BJA. Awards were made directly to units of local government when award amounts were at least \$10,000.

Each SAA received the remainder of the State's allocation for local applicants whose award amounts were less than \$10,000. BJA made one aggregate award directly to the State, which has the option of distributing the funds among State police departments that provide law enforcement services to units of general purpose local government *and/or* to units of general purpose local government whose allotment is less than \$10,000. Awards also were made to the U.S. Virgin Islands, Puerto Rico, American Samoa, Guam, and the Northern Mariana Islands.

Grantees should note that recipients of BJA direct awards are precluded from receiving subrecipient awards from the SAA. In other words, units of local government cannot receive both a Federal and State subrecipient award. However, the LLEBG Program's authorizing legislation does not prohibit a local site from benefiting from statewide efforts implemented by State law enforcement agencies. One example of a direct recipient benefitting from a statewide effort would be that they, along with State subrecipients, realize quicker turnaround times for samples sent to the State crime lab as a result of crime lab improvements.

Units of State and local government may elect not to apply for funds under this program. BJA will retain unclaimed funds and add them to the subsequent year's appropriation.

3.7 Definition of a Unit of Local Government

The units of general purpose local government for this program, as stated in Section 108(1)(a)(b), may be a county, town, township, or city that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; the District of Columbia; and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers. The program also considers the Commonwealth of Puerto Rico to be a unit of general purpose local government as well as a State.

Section 4 Application Process

The Bureau of Justice Assistance (BJA) sent applications to each unit of the general purpose local government eligible to apply for a Local Law Enforcement Block Grant (LLEBG) of \$10,000 or more. BJA also mailed separate application kits to all State agencies designated to administer the program. Application kits included a 1-page, scannable application form; a 3.5" application diskette and 5.25" communications software diskette and instructions; and additional forms for signature (Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-free Workplace). Technical assistance on the application process was available to applicants from staff of the Department of Justice Response Center and the Department of Justice Help Desk. The deadline for submitting applications to BJA for Fiscal Year 1996 was August 9, 1996.

As part of the BJA direct recipient application process, all local jurisdictions were required to submit a copy of their application to the State for a mandated 20-day review period. A list identifying the appropriate State Administrative Agencies (SAAs) was included in the application for this purpose. (Note: To receive funds under the LLEBG Program, all eligible grantees must apply directly to BJA. Sending a copy to the SAA only does not fulfill this requirement.)

The implementation of the LLEBG Program included a number of innovations. For the first time, applicants could choose how to submit their applications. Grantees could submit a hard copy application (by mail or fax) or an electronic application (by mailing a diskette or dialing in via modem). BJA also developed an automated application tracking and award system that gives LLEBG Division staff access to an electronic grant binder and BJA's internal grant management tracking system. This system will enable staff to respond quickly and efficiently to grant-related requests. Finally, grantees will be able to submit reports in the same fashion in which they submitted their applications, either in hard copy or electronically. The process will remain essentially the same for Fiscal Year 1997. BJA will continue to work to encourage as many jurisdictions as possible to take advantage of the electronic submission option.

The following subsections address the important pre-award requirements that were part of the LLEBG application process:

4.1 Cash Match Requirement

The LLEBG Program requires a 10 percent cash match; Federal funds may not exceed 90 percent of *total program costs*. Interest derived from the award does not have to be matched, but interest generated from the trust fund cannot be used to match the Federal award. Finally, there is no waiver provision for the match requirement. (See page 18 for an example of how to determine the cash match amount.)

Matching contributions need not be applied at the exact time or in proportion to the obligation of Federal funds. However, the full match amount must be obligated by the end of the project period—September 30, 1998.

For direct award recipients: the unit of general purpose local government must ensure that a commitment for the matching funds is available prior to submitting an application. Applicants are required to certify that funds required to pay the non-Federal portion of the cost of each program will be made available by the end of the project period. This certification is made by including the match amount on the application form and signing the certified assurances document.

For State award subrecipients: State award subrecipients are defined as State police departments that provide law enforcement services to units of general purpose local government *and/or* to units of general purpose local government receiving funds from the State's portion of the LLEBG Program. The subrecipient must certify as part of its award application that the funds required to pay the non-Federal portion of the cost of each program will be made available by the end of the project period. Regardless of how the match is made, it must be made available in the aggregate before the end of the project period.

In administering the cash match requirement, the SAA's may choose one of the following options:

- The SAA could require subrecipients (State police departments that provide law enforcement services to units of general purpose local government *and/or* to units of general purpose local government) to match at the prescribed level (10 percent); or
- The SAA could provide the cash match in the aggregate (statewide match basis) by requiring some subrecipients to "overmatch" so that other subrecipients can "undermatch" or make no match at all; or
- The SAA could utilize a combination of the above.

No matter the option chosen, it is the State's responsibility to ensure that the proper level of match is met.

According to U.S.C. 1469a (d), Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands are defined as Insular Areas. Insular Areas can be exempted from providing the match requirement by the grantor agency if the match requirement is less than \$200,000. Because their individual match amounts are below this threshold, BJA has waived the matching stipulation for these Areas.

4.2 Cash Match Computation

The State or local government recipient of an LLEBG grant must contribute (in the form of a cash match) 10 percent of the total program cost. The total program cost is made up of the Federal award amount and the cash match. If only the Federal award amount is known, the calculation of the match requirement is as follows:

- 1. Convert the Federal award amount percentage to a fraction (example, 90% = 9/10).
- 2. Invert the fraction from 9/10 to 10/9.
- 3. Multiply the Federal award amount by the numerator (example, $$90,000 \times 10$).
- 4. Divide the result by the denominator to determine the total program cost (example \$900,000/9 = \$100,000).
- 5. Subtract the amount of the Federal award from the total program cost to determine the cash match (example \$100,000 \$90,000 = \$10,000).

4.3 Allowable Sources of Match

Allowable sources of match under the LLEBG Program are as follows:

- 1. Funds from States and units of local government.
- 2. Housing and Community Development Act of 1974.
- 3. Appalachian Regional Development Act.
- 4. Equitable Sharing Program, a Federal asset forfeiture distribution program to State and local officials.
- 5. Private funds.

Funds received under any of the Community Oriented Policing Service (COPS) grant programs *may not* be used as the 10 percent cash match required for the LLEBG Program.

4.4 State Single Point of Contact

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Points of Contact (SPOC), if one exists, and if this program has been selected for review by the State. The State SPOC were included on a list provided in the appendix of each application kit. Applicants must contact their State SPOC to determine if the LLEBG Program has been selected for review in their State. The date that the application was sent to the SPOC should have been entered in block 31 on the application form.

4.5 Civil Rights Requirements

All recipients of Federal grant funds, including LLEBG awards, are required to comply with Federal nondiscrimination laws. Specifically, the statute that governs OJP-funded programs or activities (Section 809 (c), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d) prohibits such discrimination:

No person in any State shall on the ground of race, color, religion, national origin, sex [or disability] be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

Grantees must acknowledge that failure to submit an acceptable Equal Employment Opportunity Plan, which must be approved by OJP's Office for Civil Rights, is a violation of its Certified Assurances and may result in the suspension of funding obligation authority. If any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing, the recipient must agree to forward a copy of the findings to the OJP Office for Civil Rights.

All correspondence relating to Civil Rights Requirements should be sent directly to the Office for Civil Rights at: U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, Room 1101, 633 Indiana Avenue, NW., Washington, D.C. 20531.

4.6 Immigration and Naturalization Service Requirements

Organizations funded under the LLEBG Program must agree to complete and keep on file, as appropriate, the Immigration and Naturalization Service Employment Eligibility Form (I-9). This form is to be used by the recipient of Federal funds to verify that persons employed by the recipient are eligible to work in the United States.

4.7 Audit Requirements

State and local governments, nonprofit organizations and institutions of higher education are governed by OMB Circular A-133, as amended. Whether an audit is required under this circular is dependent upon the amount of Federal funds that can be audited during the recipient's fiscal year. If the organization receives \$300,000 or more per year in Federal funds, the organization shall have an organization-wide financial and compliance audit.

Commercial (for-profit) organizations shall have financial and compliance audits performed by qualified individuals who are independent from those who authorize the expenditure of Federal funds. This audit must be performed in accordance with Government Auditing Standards. The audit thresholds contained in OMB Circular A-133, as amended, applies.

Applicants were required to provide the name of their organization's cognizant Federal agency in block 28 of the application form. The cognizant Federal agency is generally determined to be the agency who provides the preponderance of Federal dollars received by the applicant.

4.8 Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and the Drug-free Workplace Requirement

Applicants were required to review and sign the certification form included in their application kit. Signing this form commits the applicant to compliance with the certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," and 28 CFR Part 67, "Government-Wide Debarment and Suspension (Nonprocurement) and Government-Wide Requirements for Drug-Free Workplace (Grants)." The certification will be treated as a material representation of the fact upon which reliance will be placed by the U.S. Department of Justice in making awards.

Section 5 Award Process

In FY 1996, the Bureau of Justice Assistance (BJA) made approximately 2,600 Local Law Enforcement Block Grant (LLEBG) awards to general purpose units of local government. Using an automated grants management and tracking system, all awards were completed and mailed within 30 days of the award date. Along with the award document and special conditions, the award package contained a preformatted Request for Payment Form, a Follow Up Information Form (a 1-page, scannable form to meet the public hearing and advisory board requirements), an application evaluation instrument to comment on BJA's automated application process, and an LLEBG Division Bulletin (detailing our mailing address, phone and fax numbers, and staffing deployment). The following subsections highlight key requirements that grant recipients must comply with prior to obligating LLEBG funds.

5.1 Trust Fund Requirement

All BJA direct recipients and State subrecipients must establish an interest-bearing trust fund to deposit program funds. For purposes of the LLEBG Program, a trust fund is defined as an interest-bearing account that is specifically designated for this program. Only allowable program expenses may be paid from this account. This fund may *not* be used to pay debts incurred by other activities beyond the scope of the LLEBG Program. The trust fund must be established by the recipient jurisdiction, not by the implementing agency(ies). In other words, in the case of a city award, the city manager or mayor's office should establish the fund, not the police department. (Note: In some jurisdictions the term "Special Revenue Fund" may denote the same attributes as the definition for trust fund being used by BJA.)

In order to be in compliance with the trust fund requirement, a recipient's account must include the following four features:

- 1. The account must earn interest.
- 2. The recipient must be able to account for the Federal award amount.
- 3. The recipient must be able to account for the local match amount.
- 4. The recipient must be able to account for the interest earned.

If these requirements can be met within the recipient's current financial management system, there is no need to establish a separate account.

However, if State or local law prohibits recipients from establishing an interest-bearing account, the grantee will need to submit to the LLEBG Division Director a letter requesting BJA's concurrence with the situation. The request must address:

- 1. The situation that prevents the grantee from meeting the interest-bearing requirement (i.e., cite the *specific* State or local ordinance that bars the establishment of an interest-bearing account).
- 2. How the grantee will account for the Federal award and the local match in their proposed financial accounting system.

BJA will review and make a final determination of the situation on a case-by-case basis. A list of affected jurisdictions will be maintained by BJA and the Office of Justice Program's Office of the Comptroller for monitoring purposes.

5.2 Advisory Board Requirement

Prior to the obligation of funds received under the LLEBG Program, all recipients of a direct award from BJA must establish or designate an advisory board that includes representation of groups with a recognized interest in criminal justice, crime prevention, or substance abuse prevention and treatment. Although membership in the advisory board may be broader, it must include representatives from these organizations:

- The local law enforcement agency.
- The local prosecutor's office.
- The local court system.
- The local public school system.
- A local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment.

The advisory board's role is to review the proposed allocation of funds and make nonbinding recommendations to the chief executive officer of the jurisdiction. If a jurisdiction amends its spending plan based on recommendations from the advisory board, the jurisdiction must report those changes to BJA utilizing the Follow Up Information Form included in the award package. It is up to the jurisdiction to determine what role, if any, the advisory board will have past this point. The legislation establish-ing the LLEBG Program does not require the board to have any role beyond the initial recommendation phase.

In the event that a city is without a local court system, thereby limiting its ability to provide local prosecutorial representation, its representatives should contact the respective county government to request that representatives from the prosecutor's office and the court system be placed on the city's advisory board.

Although a specified role for a municipality's chief of police or sheriff is not mandated in the legislation, law enforcement participation is required on the advisory board. In many locations the chief of police or sheriff may fill the law enforcement position on the advisory board.

5.3 Public Hearing Requirement

Direct award recipients are also required to hold at least one public hearing on the proposed use of LLEBG funds prior to the obligation of any funds received. Steps should be taken by the unit of local government to encourage the fullest possible participation in the public hearing. The grant award package contains a 1-page, scannable form to report the results of the advisory board and public hearing process. Upon receipt of this completed form, BJA will remove the associated special conditions from the grant award and allow the recipient to spend block grant funds.

5.4 FY 1996 Disparate Allocation Provision

The Omnibus Fiscal Year 1996 Appropriations Act (Public Law 104-134), which created the LLEBG Program, established a process to address potential funding disparities among recipient jurisdictions. Section 104(b)(9) indicates that where potential funding disparities exist in a jurisdiction related to a county's allocation compared with that of a municipality(ies), the State attorney general may be requested by the county or the municipality(ies) to certify that a county under the jurisdiction of the State bears more than 50 percent of prosecution or incarceration costs arising from Part I violent crimes reported by the municipality(ies). The State attorney general may then be asked to certify that funding allocated under the LLEBG Program would threaten the efficient administration of justice within the county. If the attorney general certifies to both circumstances, the involved jurisdictions are required by statute to develop a joint spending plan. State attorney general certifications for FY 1996 grant recipients were due to BJA on September 20, 1996.

If the State attorney general chooses not to become involved in the disparate allocation certification process, there is no mechanism in place for BJA to intervene. The only mechanism established by legislation is the process outlined above. BJA's role is limited to accepting State attorney general certifications and reviewing joint spending plans for compliance.

There is no deadline for the submission of a joint spending plan. However, until such time that a joint spending plan is received by BJA and the corresponding Grant Adjustment Notice (GAN) is generated by BJA to clear this requirement from a jurisdiction's grant, no funds may be spent by any party involved in the submission process. *It is important to note that submission requirements related to the joint spending plan are outlined in detail in the Special Condition section of the award package sent to all affected jurisdictions.*

5.5 Additional Award Package Attachments

BJA Bureau of Justice Assistance

In addition to the award document and special conditions, FY 1996 LLEBG award kits also contain a preformatted Request For Payment form, the Follow Up Information Form (a 1-page, scannable form to meet the public hearing and advisory board requirements), and an application evaluation instrument to comment on BJA's automated application process. Grantees need to return the signed award document, special conditions, and the request for payment form to BJA, in order to receive their payment. The Follow Up Information form is the mechanism BJA is using for direct award grantees to report their compliance with the public hearing and advisory board requirements. Once this form is returned to BJA, the Special Conditions related to these requirements will be cleared with a Grant Adjustment Notice (GAN), thereby allowing grantees to obligate program funds. BJA encourages each grantee to submit the evaluation form included in the award package. Feedback from jurisdictions across the country will be incorporated into the FY 1997 application process.

Section 6 Role of the State Administrative Agency and Requirements of State and Local Grant Recipients

6.1 The State Administrative Agency

The legislation creating the LLEBG Program required each Governor's office to designate a State Administrative Agency (SAA) to award State-level allocations. (See Appendix F for a list of each SAA organization.) It is important to note that all SAA's designated under this program also have the responsibility of implementing the Byrne Formula Grant Program in each State. It is hoped that this arrangement will help each State implement a statewide strategic planning process.

6.2 State-level Award Process

BJA made one aggregate award directly to each State, which have the option of distributing the funds among State police departments that provide law enforcement services to units of general purpose local government *and/or* to units of general purpose local government whose allotment is less than \$10,000. The mechanism used in each State is at the Governor's discretion. However, all funded activities should reduce crime and improve public safety.

One State-level Subaward—The SAA may elect to provide award funds to State police departments that provide law enforcement services to units of local government. If so, all law enforcement services to units of local government are acceptable, with the exception of traffic enforcement. Training academies may receive awards, but recipients of the training must be local agencies.

Local Subgrantee Awards—If the SAA opts to provide local awards, the number and amount of awards made to units of local government are made at the discretion of the SAA. If the SAA chooses to make local awards, the subrecipients must be general purpose units of local government that did not receive a direct award from BJA.

When making subawards, SAA's *must* make one lump payment to the grantee's trust fund. This is different from the reimbursement process utilized to administer the Byrne Formula Program; however, it is the intent of Congress that recipients of grants under the LLEBG Program receive the full award up front and have the opportunity to earn interest on their award and match funds. *The SAA must pass through the trust fund requirement to each grant recipient*.

The SAA will be responsible for submitting the State's application, selecting subrecipients to receive funds, disbursing funds, monitoring and reporting on programmatic and fiscal aspects of the program, and performing other administrative functions related to the LLEBG

Program. The SAA should have State employees or equivalent contractual resources dedicated to addressing each of the program functions outlined above. The SAA may use up to 3 percent of the total State award to pay for costs incurred in administering LLEBG funds. The State is reminded that it is responsible for the match required on administrative funds.

Each State must submit a letter to the LLEBG Division Director indicating the amount of funds set aside for administrative costs, the percentage of these funds to the overall award (e.g., 3 percent), and the planned activities (application review process, monitoring duties, reporting requirements, etc.) to be undertaken by staff. In preparing its submission, the State should keep in mind that it is not responsible for administering direct awards made by BJA.

The overall State allocations for the LLEBG Program differ from those under the Byrne Program. Under the LLEBG Program, the State-administered portion is smaller than that under Byrne because it represents the amount of funds remaining after BJA direct awards have been made within the State. Under Byrne, the SAA receives the total award. Furthermore, allocations under the LLEBG Program are made solely on the basis of UCR data while those under the Byrne program rely on a population-based formula.

6.3 Requirements To Be Fulfilled Prior to the Obligation of Program Funds

Program administration responsibilities vary between BJA direct award recipients and those grantees receiving a State subaward. Direct recipients must be in compliance with a number of key program requirements that are not a mandated part of the State subaward process.

Direct recipients of BJA awards must comply with the trust fund, advisory board, public hearing, and joint spending plan requirements (certified disparate allocation jurisdictions only) prior to obligating program funds.

The obligation of program funds is defined as a formal commitment of funds by the recipient organization for program costs. Examples of program costs include salary expenditures and contracts for goods and/or services. The mechanism to report on compliance with the advisory board and public hearing requirements and changes to designated purpose areas is the Follow Up Information Form included in the award package. (This form should not be submitted to BJA until after the jurisdiction completes the Public Hearing and Advisory Board meetings.) BJA will clear the associated special conditions, thereby allowing recipient jurisdictions to begin obligating grant funds, only after the receipt of a completed Follow Up Information Form. Once we have reviewed the Follow Up Form, BJA will generate a Grant Adjustment Notice (GAN) to the grantee, who may then officially begin to obligate funds.

The authorizing legislation's requirement for an advisory board and public hearing only applies to direct recipients of an award from BJA. Therefore, unless it is required by the SAA, State subrecipients are not required to comply with these two special conditions.

State and local recipients should also be aware of specific requirements pertaining to the program implementation phase of their grant. The first requirement pertains to recipients using grant funds to hire additional law enforcement and support personnel. Jurisdictions planning to hire additional staff must give suitable preference in employment to military veterans. Section 6.4 provides additional guidance on this requirement. Grantees must also submit program progress reports and financial status reports during the course of the grant period. These reports are outlined in Section 6.6. The requirement that Federal funds not be used to supplant State or local funds is discussed in Section 6.7. Finally, actions that potentially could result in a suspension of funds are listed in Section 6.8.

6.4 Veterans Preference in Hiring Process Requirement

The LLEBG Program includes a provision that units of local government using grant funds to hire additional law enforcement and support personnel give suitable preference in employment to military veterans. BJA defines suitable preference as the requirement that units of local government have in place a mechanism ensuring that veterans are given consideration in the hiring process. Units of local government must be able to demonstrate that an affirmative attempt has been made to include in their hiring process members of the Armed Forces who were involuntarily separated or retired due to the reductions in the Department of Defense. Units of local government should determine what that process will entail. Detailed information on applicant qualification criteria has been included in the Special Condition section of each direct grant award.

6.5 School Security/Crime Prevention Program Assessment Requirement

Grantees who plan to utilize program funds for enhancing school security (Purpose Area 2) or crime prevention (Purpose Area 6), certified in the acceptance of their award to a number of requirements relating to assessment of program activities. By signing the Special Condition section of the award, the grantee agreed that: (1) they had an adequate process to assess the impact of any enhancement of a school security measure undertaken in Purpose Area 2, or any crime prevention programs established under Purpose Area 6, on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established, (2) they will conduct such an assessment on each enhancement or program, and (3) they will submit to BJA an annual written assessment report.

In the first calendar quarter of 1997, BJA will provide additional information on the overall parameters to be addressed in the annual written assessment report.

6.6 Program Reporting Requirements

Recipients of funding are required to submit both programmatic progress reports and financial status reports throughout the grant period. Both types of reports and their required submission schedules are outlined below.

Program Progress Reports

BJA direct award recipients are required to submit an initial quarterly progress report for the first full calender quarter, followed by semiannual reports for the remainder of the grant period. Progress reports should describe activities during the reporting period and the status of objectives as set forth in the approved award application. They are due within 30 days following the end of that reporting period. For example:

If the grant award date is September 30, 1996, the first report would cover the period from October 1 through December 31, 1996, and would be due January 30, 1997. The next report would cover the period of January 1 through June 30, 1997, and would be due July 30, 1997.

A final report summarizing the program's activities and significant results is due within 120 days of the grant's end date. Copies of the program progress report forms were sent to each grantee along with this guide.

Financial Status Reports

Financial status reports (SF 269A) are required quarterly, within 45 days following the end of each calendar quarter. For example:

If the grant award date is September 30, 1996, the first financial status report would cover the period October 1 through December 31, 1996, and would be due February 15, 1997. The next report would cover the period January 1 through March 31, 1997, and would be due May 15, 1997.

This schedule should be followed for every quarter the award is active. The Office of the Comptroller included a copy of this form in each initial award package. In January 1997, the Office of the Comptroller sent a copy of this form, along with guidance on how to account for interest generated by program funds, to each grantee to report first quarter activity.

6.7 Nonsupplanting Requirement

Federal funds cannot be used to supplant State or local funds. They must increase the amount of funds that would be available otherwise from State and local sources.

As part of the application process, each jurisdiction signed an assurance that block grant funds would not be used to supplant local funding. This certification attests that Federal funds will be used to supplement existing funds for program activities and not replace those funds that have been appropriated for the same purpose. This requirement was also highlighted as a Special Condition in the grant award documents. Signing the assurance document and the special conditions commits the grantee to compliance with the coordination and nonsupplanting requirements in the Violent Crime Control and Law Enforcement Act of 1994. Violations can result in a range of penalties, including suspension of future LLEBG funds, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. Potential supplanting will be the subject of postaward monitoring and auditing. If the possibility of supplanting arises, the grantee will be required to document that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

6.8 Suspension of Funding

BJA may suspend (in whole or in part), terminate, or impose another sanction on grantee funds for the following reasons:

- 1. Failure to adhere to the requirements, standard conditions, or special conditions of the LLEBG Program.
- 2. Failure to submit reports.
- 3. Filing a false certification in this application or in another report or document.
- 4. Other good cause shown.

Before taking action, BJA will provide reasonable notice to the grantee of its intent to impose sanctions and will attempt to resolve the problem formally. Hearing and appeal procedures will follow 28 CFR, Part 18, of the Department of Justice Regulations.

Appendixes

- A. Office of Justice Programs Organization Chart
- B. Bureau of Justice Assistance Organization Chart
- C. Local Law Enforcement Block Grants Program Division Staff Chart
- D. Local Law Enforcement Block Grants Implementing Legislation—Omnibus Fiscal Year 1996 Appropriations Act and House Report 728
- E. State Administrative Agency List
- F. Uniform Crime Reports 1994 Summary/ Definitions and Directory of State UCR Programs

Appendix A

Office of Justice Programs Organization Chart

Appendix B

Bureau of Justice Assistance Organization Chart

Appendix C

Local Law Enforcement Block Grants Program Division Staff Chart

Appendix D

Local Law Enforcement Block Grants Implementing Legislation—Omnibus Fiscal Year 1996 Appropriations Act and House Report 728

Appendix E

State Administrative Agency List

Appendix F

Uniform Crime Reports 1994 Summary/Definitions and **Directory of State UCR Programs**